

PART 185—[AMENDED]

1. In part 185:
a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. By revising § 185.3575, to read as follows:

§ 185.3575 Hexazinone.

A food additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the following food commodity:

Commodity	Parts per million
Sugarcane, molasses	5.0

PART 186—[AMENDED]

2. In part 186:
a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By revising § 186.3575, to read as follows:

§ 186.3575 Hexazinone.

A feed additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione) and its metabolites (calculated as hexazinone) in or on the following feed commodity:

Commodity	Parts per million
Sugarcane, molasses	5.0

FEDERAL EMERGENCY
MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7623]

List of Communities Eligible for the
Sale of Flood Insurance

AGENCY: Federal Emergency
Management Agency (FEMA).
ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.
ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or

construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:
Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/Location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Illinois: Muncie, village of, Vermilion County	170963	July 11, 1995	Feb. 23, 1979.
Maine: Littleton, town of, Aroostook County	230428	.....do	Mar. 21, 1975.
Michigan: Concord, township of, Jackson County	260946	.....do	
Montana: Superior, town of, Mineral County	300128	.....do	
South Dakota: Big Stone City, city of, Grant County ...	460156	.....do	Nov. 12, 1976.
Texas: Taft, city of, San Patricio County	481506	.....do	
North Dakota: Clifford, city of, Traill County	380684	July 19, 1995.	
South Carolina: Fairfax, town of, Allendale County	450010	.....do	Apr. 23, 1976.
Michigan:			
Holmes, township of, Menominee County	260457	July 28, 1995	
Spalding, township of, Menominee County	260461	.....do	
Georgia: Coolidge, city of, Thomas County	130169	.....do	Apr. 2, 1976.
Louisiana: Epps, village of, West Carroll County	220283	.....do	May 29, 1979.
New Eligibles—Regular Program			
Kentucky: Vine Grove, city of, Hardin County	210096	July 18, 1995	Nov. 4, 1988.
South Carolina: Pelion, town of, Lexington County	450135	July 17, 1995	July 17, 1995.
Maryland: Church Creek, town of, Dorchester County	240101	July 25, 1995	Oct. 18, 1988.
Reinstatements			
Mississippi: Stone County, unincorporated areas	280300	Apr. 23, 1980, Emerg; Sept. 1, 1987, Reg; Sept. 1, 1987, Susp; July 11, 1995, Rein.	Sept. 1, 1987.
Massachusetts: Richmond, town of, Berkshire County	250038	July 25, 1975, Emerg; Dec. 4, 1985, Reg; Dec. 4, 1985, Susp; July 11, 1995, Rein.	Dec. 4, 1985.
Pennsylvania: Point Marion, borough of, Fayette County.	421617	July 3, 1974; Emerg; July 4, 1988, Reg; July 4, 1988, Susp; July 26, 1988, Rein; June 16, 1995, Susp; July 21, 1995 Rein.	June 16, 1995.
Nebraska: Paxton, village of, Keith County	310130	Oct. 20, 1975, Emerg; Sept. 27, 1985, Reg; June 19, 1989, Susp; July 5, 1995, Rein.	Sept. 27, 1985.
Regular Program Conversions			
Region II			
New York: Evans, town of, Erie County	360240	July 3, 1995, suspension withdrawn	July 3, 1995.
Region III			
Virginia: Hampton, independent city	515527	.....do	Do.
Region V			
Ohio: Malvern, village of, Carroll County	390052	.....do	Do.
Region X			
Oregon: Fairview, city of, Multnomah County	410180	.....do	Do.
Region II			
New York:			
Oswego, town of, Oswego County	360657	July 17, 1995, suspension withdrawn	July 17, 1995.
Richland, town of, Oswego County	360660	.....do	Do.
Region IV			
Georgia: Glynn County, unincorporated areas	130092	.....do	Do.
South Carolina:			
Cayce, city of, Lexington County	450131	.....do	Do.
Lexington County, unincorporated areas	450129	.....do	Do.
West Columbia, city of, Lexington County	450140	.....do	Do.
Region V			
Minnesota: Andover, city of, Anoka County	270689	.....do	Do.
Ohio: Miami County, unincorporated areas	390398	.....do	Do.
Region VI			
Texas:			
Comal County, unincorporated areas	485463	.....do	Do.
Schertz, city of, Bexar County	480269	.....do	Do.
Sherman, city of, Grayson County	485509	.....do	Do.
Region VII			
Missouri: Hayti Heights, city of, Pemiscot County	290277	.....do	Do.
Nebraska: Blair, city of, Washington County	310228	.....do	Do.
Region X			
Idaho: Coeur d'Alene, city of, Kootenai County	160078	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension, Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: August 10, 1995.

Robert H. Volland,

Acting Deputy Associate Director, Mitigation Directorate.

[FR Doc. 95-20271 Filed 8-15-95; 8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1160

RIN 3154-AA00

Indemnities Under the Arts and Artifacts Indemnity Act

AGENCY: Federal Council on the Arts and the Humanities.

ACTION: Final rule.

SUMMARY: The Federal Council on the Arts and Humanities is adopting as a final rule, without change, the provisions of a proposed rule that revises the regulations implementing the Arts and Artifacts Indemnity Act, as amended (20 U.S.C. 971-977) (the "Act"). The final rule permits the indemnification of eligible items from the United States while on exhibition in this country in connection with an exhibition of eligible items from outside of the United States. The final rule also includes illustrations of exhibitions eligible for indemnification which are intended to provide further guidance to persons considering applying for the indemnification of an international exhibition. The final rule is not intended to bring about a major shift in emphasis of the current policy or practice of the indemnity program.

EFFECTIVE DATE: September 15, 1995.

FOR FURTHER INFORMATION CONTACT: Alice Whelihan, Indemnity Administrator, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202-682-5442.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Background

In 1975, the United States Congress enacted the Arts and Artifacts Indemnity Act which established an indemnity program administered by the Federal Council on the Arts and the Humanities (the "Federal Council"). 20 U.S.C. Sections 971-977. The Federal Council is composed of the heads of nineteen federal agencies and was established by Congress, among other things, to coordinate the policies and

operations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services, including the joint support of activities. 20 U.S.C. Section 971.

Under the indemnification program, the United States Government guarantees to pay loss or damage claims, subject to certain limitations, arising out of exhibitions containing items determined by the Federal Council to be of educational, cultural, historical or scientific value the exhibition of which must be certified by the Director of the United States Information Agency as being in the national interest. In order to be eligible for indemnification, the objects must be on exhibition in the United States, or if outside this country preferably as part of an exchange of exhibitions.

B. Legislative History

On May 21, 1975, Senators Claiborne Pell (D, RI) and Jacob Javits (R, NY) introduced the Arts and Artifacts Indemnity Act as an amendment to the reauthorization of the National Foundation on the Arts and Humanities Act of 1965. According to the House Committee report, the purpose of the statute was "to provide indemnities for exhibitions of artistic and humanistic endeavors, and for other purposes."¹ The Senate Committee stated that it believed that this purpose could be advanced "through the exchange of cultural activities and sharing by nations of the world of their cultural institutions and national wealth and treasure."²

The broad purpose of the Act is echoed throughout the Act's language and legislative history. For example, in testifying at joint hearings before the House Subcommittee on Select Education and the Senate Special Subcommittee on Arts and Humanities, Nancy Hanks, Chairman, National Endowment for the Arts, stated:

Cultural exhibitions and exchanges of high quality should be encouraged by the laws and policies of the United States Government. They are in the national interest because of the personal, aesthetic, intellectual, and cultural benefits accruing to every man, woman and child of this nation who has the opportunity to experience these beautiful and enlightening presentations. We believe that this country should do as much as any nation in the world to insure that these vitally important programs are strengthened.³

There was concern in Congress that such exchanges were impeded by

prohibitively high insurance costs. The Senate noted that "anywhere from half to two-thirds of the cost of an international exhibition is the cost of insuring the material to be exhibited."⁴ Ronald Berman, Chairman of the Federal Council, testified that without indemnification provided in special legislation enacted by the 93rd Congress, the insurance costs in connection with several widely attended exhibitions would have been prohibitive.⁵

C. Regulatory Background

The Federal Council is the agency charged by Congress with the responsibility to administer the Arts and Artifacts Indemnity Act. In practice, the Indemnity Program is administered for the Federal Council by the Museum Program of the National Endowment for the Arts under the "Indemnities Under the Arts and Artifacts Indemnity Act" regulations (the "Regulations"), which are set forth at 45 CFR Part 1160.

These Regulations have been promulgated, and amended from time to time, by the Federal Council pursuant to the express and implied rulemaking authorities granted by Congress to make and amend rules needed for the effective administration of the indemnity program. Among other things, Congress expressly granted the Federal Council the authorities to establish the terms and conditions of indemnity agreements; to set application procedures; and to establish claim adjustment procedures. 20 U.S.C. Sections 971(a)(2), 973(a), 975(a).

For a number of years, the Federal Council has considered the desirability of amending the Regulations to permit the indemnification of U.S.-owned loans on exhibition in the United States in connection with certified international exhibitions. As currently drafted, the Regulations do not cover domestic objects on loan to an international exhibition in the United States. The Regulations provide, in pertinent part:

An indemnity agreement made under these regulations shall cover:

(1) Eligible items from outside the United States while on exhibition in the United States or

(2) Eligible items from the United States while on exhibition outside this country, preferably when they are part of an exchange of exhibitions. 45 CFR Section 1160.1.

On February 25, 1993, during a lengthy discussion of the application of the National Gallery of Art for the indemnification of the exhibition "Great French Paintings from the Barnes

¹ *Id.*

² *Id.*

³ H.R. Rep. No. 680, 94th Cong., 1st Sess., at 5.

⁴ S. Rep. No. 289, 94th Cong., 1st Sess., at 1.

⁵ H.R. Rep. No. 680, 94th Cong., 1st Sess., at 5.